

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

**MEMORANDUM FROM THE  
CHAMBERS OF CHIEF JUDGE  
JOHN R. TUNHEIM  
RE LOCAL RULE 39.1 CONCERNING  
PRE-TRIAL PROCEDURES IN CIVIL  
JURY TRIALS**

This Memorandum is consistent with, and particularizes those parts of D. Minn. LR 39.1 which relate to **CIVIL JURY TRIALS**. A copy of D. Minn. LR 39.1 is attached.

Cases on the attached list are set for trial before Chief Judge John R. Tunheim on **June 12, 2017. DO NOT REPORT FOR TRIAL UNTIL YOU ARE CALLED.**

The following procedures shall be followed by counsel:

1. Counsel shall prepare and electronically file the following documents no later than **May 30, 2017**:
  - (A) A statement of the case indicating the facts which the party intends to prove and indicating any unresolved substantive, evidentiary, and procedural issues. The statement shall include the citation and discussion of authority upon which the party relies for its positions on the unresolved issues. Counsel shall indicate the estimated length of time for the entire trial, including jury selection and jury charge, if applicable.
  - (B) Such questions as counsel desire the Court to ask jurors on voir dire examination.
  - (C) Proposed jury instructions. Each instruction shall be on a separate page and shall contain citation of legal authority. Each instruction should follow the Eighth Circuit Manual of Model Jury Instructions (2014), unless counsel has a particular, substantive reason for relying upon a different source for a specific instruction.

- (D) A proposed form of special verdict.
  - (E) A list of all exhibits to be used as evidence at trial. The exhibits shall be listed, as much as possible, in the sequence they will be offered. The list shall indicate the exhibits the parties agree are admissible. For the exhibits not so agreed upon, the list shall indicate the grounds for objection. Only exhibits so listed shall be offered into evidence at trial, except for good cause shown. The original exhibits are **NOT** to be submitted with the pretrial papers.
  - (F) A list of the names and addresses of all prospective witnesses, together with a short statement of the substance of the testimony of each witness. Only witnesses so listed shall be permitted to testify except for good cause shown.
  - (G) A list of depositions to be offered into evidence in lieu of live testimony. The list shall designate those specific parts of the deposition to be offered at trial. Only depositions so listed shall be offered into evidence at trial except for good cause shown.
2. If exhibits are to be offered at the trial, the following procedure must be followed:
- (A) Counsel shall, no later than **May 30, 2017**, mark all exhibits for identification in the sequence in which they will be offered. The case number must be on each exhibit. Plaintiff shall mark its first exhibit **P#1**. Defendant shall mark its first exhibit **D#1**. Only exhibits so marked shall be offered into evidence at trial, except for good cause shown.
  - (B) Counsel shall, no later than **May 30, 2017**, make available for examination (and if requested, copying by all counsel) all exhibits which will be offered into evidence at trial. Only exhibits so made available shall be offered into evidence at trial, except for good cause shown.
3. Motions *in limine* must be electronically filed no later than **May 30, 2017**. Responses to motions *in limine* must be electronically filed no later than **June 5, 2017**.

4. Counsel for all parties are encouraged to confer prior to trial to:
  - (A) Stipulate to all uncontested facts and matters not in controversy.
  - (B) Stipulate as to which exhibits may be received without objection prior to trial.
  - (C) Discuss settlement. The Courtroom Deputy shall be advised as to the probability of settlement.
  
5. Please note: the courtroom is fully equipped with a digital document camera and video screens for the Judge, jurors, witness stand, court reporter, law clerk, attorney tables, and the public. All exhibits are to be displayed using the document camera, which includes annotation features. An evidence cart is also provided which includes audio and video players and laptop connectors. **The Court will not allow enlargements of exhibits, charts, or summaries, including but not limited to foam core boards, and does not allow the use of any video projectors or screens without prior approval.** Realtime court reporting is available to attorneys by prior arrangement with the court reporter, Kristine Mousseau at 612-664-5106. Attorneys may utilize video presentation, such as PowerPoint, during opening statements and closing arguments with prior approval of the Court. Training on the use of the courtroom technology is free and **Chief Judge Tunheim requires that all attorneys involved in the litigation of a case complete at least an overview on use of the courtroom technology.** Please contact Heather Arent-Zachary at 612-664-5080 to schedule training times prior to your trial date.

DATED: April 10, 2017  
at Minneapolis, Minnesota.

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s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District